

7-31-00

PTO/SB/05 (1/98)

Please type a plus sign (+) inside this box

Approved for use through 9/30/2000. OMB 0651-0032

Patent and Trademark Office: DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 4264C5

First Inventor or Application Identifier Kenneth J. Livak

Title HYBRIDIZATION ASSAY USING SELF-
QUENCHING FLUORESCENCE PROBE

Express Mail Label No. EM 011 979 393 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ * Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages 54]
(preferred arrangement set forth below)
- Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 2]
4. ☒ Oath or Declaration [Total Pages 4]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 below]
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting
inventor(s) named in the prior application,
see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a
copy of the oath or declaration is supplied under Box 4b, is
considered to be part of the disclosure of the accompanying
application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☒ Request to Use the Computer-Readable Form of the
Sequence Listing from Parent Application
- b. ☒ Paper Copy (identical to computer copy)
- c. ☒ Declaration under 37 C.F.R. § 1.821

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure ☐ Copies of IDS Citations
Statement (IDS)/PTO-1449
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. ☐ *Small Entity ☐ Statement filed in prior application,
Statement(s) Status still proper and desired
(PTO/SB/09-12)
15. ☐ Certified copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Other: _____
- Other: _____

* A new statement is required to be entitled to pay small entity fees, except
where one has been filed in a prior application and is being relied upon.

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09 / 436,454 filed November 8, 1999

Prior application information:

Examiner: J. Riley

Group Art Unit: 1656

18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label22896
(Insert Customer No. or Attach bar code label here)or ☐ Correspondence address below

Name					
Address					
City	State	Zip Code			
Country	Telephone	Fax			

Name (Print/Type)	Vincent M. Powers	Registration No. (Attorney/Agent)	36,246
Signature	<i>Vincent M. Powers</i>	Date	7/28/2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

22840_1

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FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SD/09-12.
See 37 C.F.R. §§ 1.27 and 1.28.

Complete if Known

TOTAL AMOUNT OF PAYMENT (\$) 690.00		Application Number	To be assigned
		Filing Date	July 28, 2000 (herewith)
		First Named Inventor	Kenneth J. Livak et al.
		Examiner Name	To be assigned
		Group / Art Unit	To be assigned
		Attorney Docket No.	4264C5

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number: 01-2213
 Deposit Account Name: Applied Biosystems

- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 690 201 345		Utility filing fee	690.00
106 310 206 155		Design filing fee	
107 480 207 240		Plant filing fee	
108 690 208 345		Reissue filing fee	
114 150 214 75		Provisional filing fee	
SUBTOTAL (1)			(\$) 690.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
2	-20**= 0	18.00	0.00
1	-3**= 0	78.00	0.00
Claims Multiple Dependent			

**or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18 203 9		Claims in excess of 20
102 78 202 39		Independent claims in excess of 3
104 260 204 130		Multiple dependent claim, if not paid
109 78 209 39		** Reissue independent claims over original patent
110 18 210 9		** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)

Small Entity Fee Code (\$)

Fee Description

Fee Paid

105 130 205 65	Surcharge - late filing fee or oath	
127 50 227 25	Surcharge - late provisional filing fee or cover sheet	
139 130 139 130	Non-English specification	
147 2520 147 2520	For filing a request for reexamination	
112 920* 112 920*	Requesting publication of SIR prior to Examiner action	
113 1840* 113 1840*	Requesting publication of SIR after Examiner action	
115 110 215 55	Extension for reply within first month	
116 380 216 190	Extension for reply within second month	
117 870 217 435	Extension for reply within third month	
118 1360 218 680	Extension for reply within fourth month	
128 1850 228 925	Extension for reply within fifth month	
119 300 219 150	Notice of Appeal	
120 300 220 150	Filing a brief in support of an appeal	
121 260 221 130	Request for oral hearing	
138 1510 138 1510	Petition to institute a public use proceeding	
140 110 240 55	Petition to revive - unavoidable	
141 1210 241 605	Petition to revive - unintentional	
142 1210 242 605	Utility issue fee (or reissue)	
143 430 243 215	Design issue fee	
144 580 244 290	Plant issue fee	
122 130 122 130	Petitions to the Commissioner	
123 50 123 50	Petitions related to provisional applications	
126 240 126 240	Submission of Information Disclosure Stmt	
581 40 581 40	Recording each patent assignment per property (times number of properties)	
146 690 246 345	Filing a submission after final rejection (37 CFR 1.129(a))	
149 690 249 345	For each additional invention to be examined (37 CFR 1.129(b))	

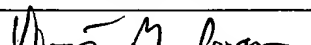
Other fee (specify) _____

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (Print/Type)	Vincent M. Powers	Registration No. (Attorney/Agent)	36,246	Telephone	650.638.6492
Signature		Date	July 28, 2000		

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

CERTIFICATION UNDER 37 CFR 1.10

Express Mail Number: EM 011 979 393 US

Date of Deposit: July 28, 2000

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box: Patent Application, Washington, D.C. 20231.

PATTI SELAN

(Print Name of Person Mailing Application)

Patti Selan

(Signature of Person Mailing Application)

Transmittal of Continuation Patent Application For Filing Under 37 CFR 1.53(b)

ATTORNEY DOCKET NO.

4264C5

PRIOR APPLICATION:

Examiner: Riley, J.

Art Unit: 1656

Assistant Commissioner for Patents

Box: Patent Application

Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/436,454 filed on November 8, 1999 by Kenneth J. Livak, Susan J. A. Flood, Jeffrey Marmaro and Khairuzzaman Bashar Mullah entitled

HYBRIDIZATION ASSAY USING SELF-QUENCHING FLUORESCENCE PROBE

1. Enclosed are:

- ☒ One stamped, self-addressed postcard for PTO datestamp.
- ☒ Certificate of Express Mail.
- ☒ One utility patent application containing text pages 1 - 54 and ☒ 2 sheets of formal drawings.
- ☒ Copy of executed Declaration of Inventorship from parent application serial no. 09/436,454.
- ☒ Sequence Listing printout, Request to Use from prior application, and matching Declaration.
- ☐ A Preliminary Amendment.
- ☐ A new Power of Attorney.

2. Amendment

- ☐ Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- ☒ Please cancel original claims 1-38, inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)

3. Extension of Time

- ☐ A petition for extension of time has been filed in the parent to extend the pendency of the parent to _____ (copy enclosed).
- ☒ Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing *if* required to establish copendency with the parent after all papers filed herewith have been considered.

4. Prior Documents Still in Effect

This application is a continuation of Ser. No. 09/436,454 filed Nov. 8, 1999, which is a continuation of Ser. No. 09/207,170 filed December 7, 1998, now Patent No. 6,030,787, which is a continuation of Ser. No. 08/558,303 filed November 15, 1995, now Patent No. 5,876,930, which is a continuation-in-part of Ser. No. 08/340,558 filed November 16, 1994, now Patent No. 5,538,848, each of which is incorporated herein by reference in its entirety.

5. Prior Documents Still in Effect

- ☒ This application and parent application Serial No. 09/436,454 filed November 8, 1999 are assigned of record to The Perkin-Elmer Corporation.
- ☒ Power of attorney in the above-identified prior application is to Vincent M. Powers, Reg. No. 36,246, and the other attorneys or agents identified therein.

6. Fees

The filing fee is calculated below taking into account any amendments in section 2 above:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	2 - 20	0	X \$18	\$0.00
INDEPENDENT CLAIMS	1 - 3	0	X \$78	\$0.00
BASIC FEE				\$690.00
Multiple Dependency Fee If Applicable \$260.00				
Total				
50% Reduction for Independent Inventor, Non-profit Organization or Small Business Concern				
TOTAL FILING FEE				\$690.00

- ☒ The Commissioner is hereby authorized to charge the filing fee, any deficiency in fees under 37 CFR 1.16 and 1.17, or any other fees necessary for timely filing of this application, or credit any overpayment to Deposit Account No. 01-2213. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ _____ is enclosed.
- ☐ Filing fee to be submitted in response to anticipated receipt of Notice to File Missing Parts.
DO NOT CHARGE DEPOSIT ACCOUNT.

Respectfully submitted,

Dated: July 28, 2000


Vincent M. Powers, Reg. No. 36,246

Correspondence Address:

Applied Biosystems
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Foster City, California 94404
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Facsimile: 650-638-6677